IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O. No. 1698 of 2007
Date of decision : 28.4.2007

Anand alias Golu & Anr.

...Appellants

Versus

Yashpal & Ors.

...Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.V.P. Malik,Advocate
for the appellants.

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VINOD K. SHARMA, J. (ORAL)

The present appeal has been filed against the award dated 6.1.2007 passed by the learned Motor Accident Claims Tribunal, Hisar vide which the respondents claimant have been granted compensation to the tune of Rs. 1,25,000/- (Rs. one lac and twenty five thousand only) on account of death of mare, which died in an accident on 5.9.2002 near Auto Market at T point due to rash and negligent driving of Tata Sumo bearing registration No. HR-26G-7597, which was being driven by Anand @ Golu appellant No.1 herein.

The evidence led by the claimant-respondents was unrebutted and, therefore, on issue No.1 finding was recorded against the appellants. On the quantum of compensation, the case of the claimants was that the mare was of Kathiiawari breed and was 2½ years of age. It was claimed that the cost of mare was Rs. 1,50,000/- (Rs. one lac and fifty thousand only). In

addition, it was prayed that Rs. 25,000/- (Rs. twenty five thousand only) was spent on treatment. However, as no evidence was led to prove the money spent on treatment, no compensation was granted on this account. Keeping in view the fact that it was mere statement of the claimant that the cost of the mare was Rs. 1,50,000/- (Rs. one lac and fifty thousand only), the Tribunal assesed the value of the mare to the tune of Rs. 1,25,000/- (Rs. one lac and twenty five thousand only) and granted the relief.

The learned counsel for the appellants submits that there was no evidence on record to prove the price of the mare and, therefore, the compensation granted is on a higher side. However, it may be noticed that on the basis of statement made by the claimant that the mare was of Kathiawari breed and the price of such a mare was Rs. 1,50,000/- (Rs. one lac and fifty thousand only), the price of the mare was assessed at Rs. 1,25,000/- (Rs. one lac and twenty five thousand only), as no evidence was led by the appellants in rebuttal. The learned Motor Accident Claims Tribunal,therefore, was bound to assess the value on the available material, which has been done.

No ground is made out to interfere.

Dismissed.

28.4.2007 **(VINOD K. SHARMA)**
'sp' **JUDGE**